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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,053

08/26/2003

Gerd Conrad

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7380

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09/21/2004

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EXAMINER

GUSHI, ROSS N


ART UNIT

PAPER NUMBER

2833

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,053	CONRAD, GERD	
	Examiner	Art Unit	
	Ross N. Gushi	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 10 and 11, the limitation that the connecting structure is "substantially flat" is unclear and ambiguous because that part identified as the "connecting structure" in the specification (reference number 4) is not flat (see figure 2). The limitations are given little weight.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in —

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

Claims are 1, 4-8, 11, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Glaesel.

Per claim 1, Glaesel discloses a connecting terminal (see attachment) having a connecting structure with a device for contacting at least one conductor to be connected via the connecting terminal and with a conductor track connection for connecting the connecting terminal to a profiled protective conductor bar, including that the conductor track connection is integrally formed in one piece with the connecting structure, and the conductor track connection including: a base section and a resilient latching section configured to cooperate with a section of the conductor bar in arresting the connecting terminal on the conductor bar and a locking section configured to cooperate with said base section in locking the terminal to the bar.

Per claim 4, said locking section is a resilient structure.

Per claim 5, at least one of said latching section and said locking section is formed by resilient fingers.

Per claim 6, said latching section has a latching projection for engaging behind a profiled region of the protective conductor bar.

Per claim 7, said locking section has a bearing projection for bearing against the protective conductor bar.

Per claim 8, said base section is formed with at least one contact projection for bearing against the protective conductor bar.

Per claim 11, said connecting structure is substantially flat.

Per claim 12, said conductor track connection is configured to engage behind a protective conductor bar having in cross section, a pot shape with a U-shaped central region and two edge region flanges projecting from said central region.

Per claim 15, Glaesel discloses a terminal strip.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaesel as in claim 1 in view of Suess et al. ("Suess"). Regarding claims 9 and 10, the Glaesel connecting structure is not formed from sheet metal. Suess discloses a connecting structure 2 formed from a single piece of sheet metal. At the time of the invention, it would have been obvious to construct the Glaesel connecting structure out of sheet metal as taught in Suess. The suggestion or motivation for doing so would have been to simplify manufacturing and construct a durable structure, such motivations being well known in the art. Furthermore, the selection of a known material based on its suitability for its intended purpose would have been obvious. Sinclair & Carroll Col. V. Interchemical Corp., 65 USPQ 297 (1945); In re Leshin, 227 F.2d 197 (CCPA 1960).

Regarding claim 13, Glaesel does not disclose a spring terminal. Suess discloses a spring terminal. At the time of the invention, it would have been obvious to include a spring terminal on the Glaesel device as taught in Suess. The suggestion or

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motivation for doing so would have been to facilitate attachment of a wire as taught in Sues.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glaesel as in claim 1 in view of Woertz. Regarding claim 14, Glaesel does not disclose a screw terminal. Woertz discloses a spring terminal. At the time of the invention, it would have been obvious to include a spring terminal on the Glaesel device as taught in Woertz. The suggestion or motivation for doing so would have been to facilitate attachment of a wire as taught in Woertz.

Response to Arguments

Applicant's arguments filed 9/9/04 have been fully considered but they are not persuasive. The prior 35 USC 112 rejection of claim 1 has been withdrawn. Regarding claims 10 and 11, applicant argues that "the connecting structure comprising the parts 14, 16, and 18 is indeed flat." Remarks page 8. The examiner responds that the specification identifies the "connecting structure" as part 4 (which may be ambiguously identified in the specification and drawings, but certainly appears to include at least intermediate portion 8) and applicant has amended the specification to identify parts 14, 16, and 18 as the "conductor track portion." Applicant appears to be either changing or switching the names of the various parts at will to suit the position of the moment.


The remaining arguments are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.


ROSS GUSHI
PRIMARY EXAMINER